

Tillett.
Turney.
Wayland.

Woods.
Yantis.
Yett.

Nays—1.

Bailey.

Absent.

Boren.
Goss.
Harrison.
Kerr.
Lewis.

Linn of Wharton.
Morriss.
Rogers.
Terrell.

Excused.

Linn of Victoria.

By Senator Yantis:

Amend by adding after the word "sheriff" where it first occurs in section 1 the following: "Justice of the peace, \$800; constable, \$800;" and after the word "sheriff" where it next occurs in section 1 the following: "Justice of the peace, \$900; constable, \$900;" and after the word "sheriff" where it next occurs in section 1 the following: "Justice of the peace, \$1000; constable, \$1000."

Lost by the following vote:

Yeas—6.

Colquitt.
Darwin.
Gough.

Ross.
Woods.
Yantis.

Nays—15.

Atlee.
Bailey.
Beall.
Bowser.
Burns.
Dibrell.
Greer.
Neal.

Presler.
Stafford.
Stone.
Tillett.
Turney.
Wayland.
Yett.

Absent.

Boren.
Goss.
Harrison.
Kerr.
Lewis.

Linn of Wharton.
Morriss.
Rogers.
Terrell.

Excused.

Linn of Victoria.

Pending further action,

On motion of Senator Turney, the Senate adjourned to 10 o'clock a. m. Monday, by the following vote:

Yeas—11.

Atlee.
Bailey.
Burns.
Darwin.
Dibrell.
Gough.

Neal.
Ross.
Stafford.
Stone.
Turney.

Nays—10.

Beall.
Bowser.
Colquitt.
Greer.
Presler.

Tillett.
Wayland.
Woods.
Yantis.
Yett.

Absent.

Boren.
Goss.
Harrison.
Kerr.
Lewis.

Linn of Wharton.
Morriss.
Rogers.
Terrell.

Excused.

Linn of Victoria.

THIRTY-SIXTH DAY.

Senate Chamber,
Austin, Tex., Monday, March 1.

Senate met pursuant to adjournment.

Lieutenant-Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.
Bailey.
Beall.
Bowser.
Burns.
Colquitt.
Darwin.
Dibrell.
Greer.
Kerr.
Lewis.
Morriss.

Neal.
Presler.
Rogers.
Ross.
Stafford.
Stone.
Terrell.
Tillett.
Turney.
Wayland.
Yantis.
Yett.

Absent.

Boren.
Goss.
Gough.

Harrison.
Linn of Wharton.
Woods.

Excused.

Linn of Victoria.

Prayer by Dr. F. S. Jackson, Chaplain.

Pending the reading of the Journal of Saturday,

On motion of Senator Kerr, the same was dispensed with.

On motion of Senator Morriss, Senator Kerr was excused from attendance upon the Senate on Saturday, on account of important business.

On motion of Senator Yantis, Senator Woods was excused for to-day, Tuesday and Wednesday, on account of important business.

On motion of Senator Ross, Senator Terrell was excused for Saturday, on account of important business.

On motion of Senator Darwin, Senator Rogers was excused for Saturday, to-day and Tuesday, on account of important business.

On motion of Senator Turney, Senator Lewis was excused for Saturday, on account of important business.

On motion of Senator Stafford.

Senator Beall was excused for Wednesday, Thursday and Friday, on account of business.

On motion of Senator Neal,

Mr. Dale, the Doorkeeper, was excused for Saturday, on account of important business.

PETITIONS AND MEMORIALS.

By Senator Presler:

Petition from the bar of Erath county, against transferring Erath county from the Second to the Third Supreme Judicial District.

Read and referred to Committee on Judicial Districts.

By Senator Dibrell (by request):

Petition of Dr. August Theiss of Seguin, for the establishment of temporary hospitals for a contest of curative methods, and the offering of a prize by the State for the best school of medicine, to be tested by practical results.

Read and referred to the committee on Public Health.

By Senator Dibrell (by request):

Petition of 53 ladies and gentlemen of Gonzales county, Texas, members of the "Forest Home Literary Society, against any change in our organic law; and expressing fear that the bankers' association have designs on the homestead laws of Texas.

Read and referred to Judiciary Committee No. 1.

By Senator Ross (by request):

Petition from citizens of Lamar county, protesting against restrictive medical legislation.

Read and referred to Committee on Public Health.

By Senator Presler:

Petition from citizens of Brown county, against the formation of a new county out of a portion of Brown and other counties.

Read and referred to Committee on Counties and County Boundaries.

By Senator Tillett:

Petition from citizens of Callahan county, praying for the creation of a new county from parts of Eastland, Coleman, Brown and Comanche counties.

Read and referred to Committee on Counties and County Boundaries.

COMMITTEE REPORTS.

Committee Room,

Austin, Texas, Feb. 27, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Towns and City Corporations, to whom was referred Senate bill No. 246, a bill to be enti-

tled "An act to validate the incorporations of cities or towns of 1000 inhabitants or over, incorporated since March 30, 1895, which have heretofore attempted to be made under certain conditions,"

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

BAILEY, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Constitutional Amendments, to whom was referred

Senate joint resolution No. 5, a resolution to amend section 2, article 6, of the Constitution of the State of Texas,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do not pass, for the reason that a similar resolution has already been reported favorably by the committee.

ATLEE, Chairman.

Committee Room,

Austin, Texas, Feb. 27, 1897.

Hon. George T. Jester, President of the Senate.

Your Committee on Constitutional Amendments, to whom was referred

Senate joint resolution No. 6, a resolution to amend section 1 of article 6, of the Constitution of the State of Texas, so as to require the payment of all poll taxes as a prerequisite to voting, and to provide for submitting the same to a vote of the qualified voters of the State,

Have had the same under consideration, and I am instructed to report the same back to the Senate with the recommendation that it do pass.

ATLEE, Chairman.

Committee Room,

Austin, Texas, March 1, 1897.

Hon. Geo. T. Jester, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared

Senate bill No. 206, a bill to be entitled "An act to amend article 722, chapter 14, title 21, of the Revised Statutes of the State of Texas as adopted by the Twenty-fourth Legislature, in the year 1895."

And find the same correctly enrolled, and have this day, at 11 o'clock a. m., presented the same to the Governor for his approval.

NEAL, Acting Chairman.

BILLS AND RESOLUTIONS.

By Senator Atlee:

Senate bill No. 248, a bill to be entitled "An act to authorize and permit the Aransas Pass Harbor Company to purchase from the State of Texas Harbor Island, certain shoal waters and flats in front thereof and in Redfish Bay, on the gulf coast of Texas, in order to encourage the procuring and maintenance of deep water at Aransas Pass."

Read first time and referred to Judiciary Committee No. 1.

By Senator Bailey:

Senate bill No. 249, a bill to be entitled "An act to amend sections 1, 6, 7, 105, 105a, 105b, and 105c, of an act entitled an act to amend sections 38, 103, 105, 106 and 138 of an act entitled an act to incorporate the city of Fort Worth and to grant a charter to said city, approved March 20, 1889, and sections 6, 7, 29, 34, 88 and 102 of said act, as amended by the Twenty-second Legislature in 1891, and to add thereto sections 35a, 35b, 101a, 101b, 101c, 101d, 101e, 102a, 103a, 104a, 106a, 106b, and also 105a, 105b, 105c, in reference to the board of equalization, and providing for an appeal from said board to the district court, passed by the Legislature of the State of Texas in the year 1895, and to add to said act the following sections, to-wit: 105d, 105e, 105f, 105g, 105h, 105n, 105o and 105p, and to repeal all laws and parts of laws in conflict with this act."

Read first time and referred to Committee on Towns and City Corporations.

By Senator Ross:

Senate concurrent resolution No. 15:

Whereas, the Hon. Swante Palm, a distinguished citizen of Austin, and the consular representative of His Majesty the King of Sweden at the Texas capitol, has manifested his patriotic and generous interest in the intellectual development of the youth of the State by making to the Texas State University a free donation of his magnificent library, consisting of rare volumes, valuable manuscripts and costly works of art; and

Whereas, it is appropriate that, as an inadequate but sincere recognition of this splendid gift, the Legislature of this State, representing the whole people, should give formal expression of the people's gratitude to the Hon. Swante Palm; therefore be it

Resolved by the Senate of the State of Texas, the House concurring, that the people of the State of Texas, with-

out regard to political sentiment, and each constituency speaking through its Senator and member or members of the House of Representatives, hereby tender to the Hon. Swante Palm their profound thanks for his splendid gift.

Resolved, that an enrolled copy of this concurrent resolution, signed in autograph by the President and Secretary of the Senate, and the Speaker and Chief Clerk of the House of Representatives, and countersigned by the Governor and Secretary of State, and bearing the impress of the seal of the State, be presented to the Hon. Swante Palm by a joint committee of two Senators to be appointed by the President of the Senate and three Representatives to be appointed by the Speaker of the House of Representatives.

Adopted.

Call concluded.

On motion of Senator Stone, the regular order of business was suspended to take up

Senate bill No. 100, a bill to be entitled "An act transferring to the available university fund the unexpended balance of the United States direct tax fund remaining in the State treasury on the third day of March, A. D. 1897, and appropriating the same to the construction and completion of buildings and in making of other permanent improvements of and for the University of Texas,"

By the following vote:

Yeas—16.

Atlee.	Lewis.
Bailey.	Morriss.
Beall.	Neal.
Bowser.	Presler.
Burns.	Ross.
Colquitt.	Stone.
Greer.	Tillett.
Kerr.	Yantis.

Nays—5.

Darwin.	Terrell.
Dibrell.	Wayland.
Stafford.	

Absent.

Boren.	Linn of Wharton.
Goss.	Turney.
Gough.	Yett.
Harrison.	

Excused.

Linn of Victoria.	Woods.
Rogers.	

The bill was ordered engrossed by the following vote:

Yeas—18.

Atlee.	Beall.
Bailey.	Bowser.

Burns.	Ross.
Colquitt.	Stafford.
Greer.	Stone.
Kerr.	Terrell.
Lewis.	Tillett.
Morriss.	Wayland.
Neal.	Yett.

Nays—3.

Darwin.	Yantis.
Dibrell.	

Absent.

Presler.	Turney.
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Excused.

Boren.	Linn of Victoria.
Goss.	Linn of Wharton.
Gough.	Rogers.
Harrison.	Woods.

Senator Stone moved to suspend the constitutional rule requiring bills to be read on three several days, and that the bill be put upon its third reading and final passage.

Lost by the following vote:

Yeas—16.

Bailey.	Neal.
Beall.	Presler.
Bowser.	Ross.
Burns.	Stafford.
Greer.	Stone.
Kerr.	Tillett.
Lewis.	Wayland.
Morriss.	Yett.

Nays—6.

Atlee.	Dibrell.
Colquitt.	Terrell.
Darwin.	Yantis.

Absent.

Turney.

Excused.

Boren.	Linn of Wharton.
Goss.	Linn of Victoria.
Gough.	Rogers.
Harrison.	Woods.

Senator Bowser moved to suspend the regular order of business to take up,

Senate bill No. 197, a bill to be entitled "An act to incorporate the city of Dallas and grant it a new charter."

Not suspended by the following vote:

Yeas—13.

Bailey.	Presler.
Bowser.	Ross.
Burns.	Stone.
Darwin.	Turney.
Kerr.	Yantis.
Lewis.	Yett.
Morriss.	

Nays—10.

Atlee.	Colquitt.
Beall.	Dibrell.

Greer.	Terrell.
Neal.	Tillett.
Stafford.	Wayland.

Excused.

Boren.	Linn of Victoria.
Goss.	Linn of Wharton.
Gough.	Rogers.
Harrison.	Woods.

PENDING BUSINESS.

The chair laid before the Senate, on second reading,

Senate bill No. 83, a bill to be entitled "An act to regulate the compensation of certain State, district and county officers in this State, and to repeal all laws and parts of laws in conflict therewith."

By Senator Colquitt:

Amend by adding the following as section 10, and number the succeeding section 11:

"Sec. 10. It shall be the duty of all officers named in this act to keep a correct statement of the sums coming into their hands as fees, in a book to be kept for that purpose, and it shall be the duty, and the district judge shall so charge the grand jury to examine these accounts at the session of district court next succeeding the 30th day of November of each year, and make report on same to the district court at the conclusion of the grand jury's session."

Amend the amendment by inserting after the word "purpose" the following: "In which the officer shall, at the time any fees or moneys come to his hands, enter the same."

Senator Colquitt accepted the amendment.

The amendment as amended was then adopted.

By Senator Yantis:

And amend section 3 by inserting after the words "district judge" in line 19, the following: "And such county officer applying for the appointment of a deputy, or deputies, shall make affidavit that they are necessary for the efficiency of the public service, and the county or district judge may require in addition a statement showing the need of such deputies."

By Senator Lewis:

Amend the amendment by striking out of the amendment all after the words "public service."

Lost.

The amendment was then adopted.

By Senator Burns:

Amend by striking out the words "an amount not to exceed," in line 24, page 1; in line 5, page 2; in line 19, page 2.

Adopted.

By Senator Tillett:

Amend the amendment by inserting the words "to be fixed by the commissioners' court" after the word "amount" in line 24, page 1, and in line 5, page 2, and in line 19, page 2.

Lost.

The amendment was then adopted.

By Senator Greer:

Amend by striking out in line 22, page 1, the figures "\$2250," and insert "\$2500."

Adopted.

By Senator Terrell:

Amend by inserting after the word "laws," line 19, section 9, the following: "or who shall remit any fee that may be due under the law."

Adopted.

By Senator Yantis:

Amend by adding after the word "sheriff," page 1, line 19, the following: "tax assessor \$1750," and after the word "sheriff," same page, line 29, the following: "tax assessor \$2000," and after the word "sheriff," on page 2, line 5, the following: "Tax assessor, \$2250."

Adopted.

By Senator Beall:

Amend section 9 of the bill by inserting after the word "officials," in line 27, the following: "In excess of the maximum amounts herein allowed."

By Senator Colquitt:

Substitute the amendment (Beall's):

Amend section 9, as amended, by adding the following: "Provided that in no case shall fees for ex-officio services be in excess of the amount now fixed by law."

Senator Beall raised the point of order that the amendment (Colquitt's) was not in order, for the reason that it covered ground not in his.

(Senator Tillett in the chair.)

The point of order (Beall's) was sustained.

Senator Colquitt raised the point of order that the amendment (Beall's) was not in order, because it had, in substance, been voted on previously.

Not sustained.

Senator Colquitt appealed from the ruling of the chair.

The following vote revealing no quorum:

Yeas—9.

Bailey.
Beall.
Bowser.
Burns.
Greer.

Lewis.
Stone.
Turney.
Yett.

Nays—11.

Atlee.
Colquitt.
Darwin.
Dibrell.
Kerr.
Morris.

Ross.
Stafford.
Terrell.
Wayland.
Yantis.

In chair, not voting.

Tillett.

Absent.

Neal.

Presler.

Excused.

Boren.
Goss.
Gough.
Harrison.

Linn of Victoria.
Linn of Wharton.
Rogers.
Woods.

Senator Colquitt moved a call of the Senate, which was duly seconded and ordered, the following Senators answering to their names:

Atlee.
Bailey.
Beall.
Bowser.
Burns.
Colquitt.
Darwin.
Dibrell.
Greer.
Kerr.
Lewis.
Morris.

Neal.
Presler.
Ross.
Stafford.
Stone.
Terrell.
Tillett.
Turney.
Wayland.
Yantis.
Yett.

Excused.

Boren.
Goss.
Gough.
Harrison.

Linn of Victoria.
Linn of Wharton.
Rogers.
Woods.

HOUSE MESSAGE.

The following message from the House was received:

House of Representatives,
Austin, Texas, March 1, 1897.

Hon. George T. Jester, President of the Senate.

I am directed by the House to inform the Senate of the passage of the following bill:

House bill No. 96, a bill to be entitled "An act to provide the mode of furnishing certain supplies to the asylums, and to repeal title IX, chapter 3, of the Revised Civil Statutes of 1895."

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

The above bill was read first time and referred to Committee on Asylums.

EXECUTIVE MESSAGE.

The following message from the Governor was received:

To the Senate and House of Representatives.

In July, 1873, the Houston and Texas Central Railway Company, by virtue of land certificates issued for the construction of its railroad, pretended to survey a large body of land known as Block 97, situated in the counties of Scurry, Borden, Kent and others. The block of land was within the Texas and Pacific 80-mile reservation, and the locations therefore void.

Jumbo Cattle Company v. Bacon & Graves, 79 Texas, 5.

By the acts of July 14th, 1879, and March 11th, 1881, these lands, with others, were offered for sale by the State at 50 cents per acre, but they were withdrawn from the market by the act approved January 22, 1883. On December 1, 1882, E. M. Bacon and E. G. Graves made application under the laws of 1879 and 1881 to purchase about 550 sections of the land included in Block 97, and they purported to have the land surveyed into sections of 640 acres, as required by the statute, yet in fact the surveyors only copied the field notes made for the railway company. On May 16th and 19th, 1883, and within the required time, they tendered to the State Treasurer \$185,280, being 50 cents per acre for 370,560 acres of land, which was declined by the Treasurer upon the ground that some of the surveys covered school lands. On January 3rd, 1891, they again made a tender to the Treasurer, this time of \$149,120, or 50 cents per acre for 298,240 acres of land. This money was accepted by the Treasurer under the advice of Attorney-General Hogg, but the parties were previously informed that the claim to the land would be resisted by the State and the payment would be made upon that condition. In the meantime, the property of the railway company, including the claim to this land, was placed in charge of a receiver appointed by the United States Circuit Court for the Eastern District of Texas. In the course of this receivership mortgage liens upon the lands were foreclosed and the lands sold to F. P. Olcott of New York, to whom deeds were made and recorded, but the court by the decree undertook to reserve limited control over the property, notwithstanding the sale. While the receivership was pending, many other lands of the company were sold and the fund thus created was held by the receivers. Olcott, holding under the company, and Bacon & Graves under their alleged purchase, thus held conflicting claims to the lands, both of which

were resisted by the State. These parties practically merged and consolidated their claims, and on May 26, 1890, Bacon & Graves transferred the land to C. C. Gibbs as trustee, who held it for them and Olcott and the interests he represented, in consideration of which Olcott furnished the money, which was paid in to the treasury, as already stated, out of the fund referred to, and the lands were to be divided between them in a stipulated proportion, if patents were obtained. On the 20th day of September, 1891, suit was instituted by me, as attorney general, to recover the lands and determine the controversy. Judgment was recovered by the State against Bacon & Graves and C. C. Gibbs, because the lands were never legally surveyed; it was affirmed by the Court of Civil Appeals, a writ of error was denied by the Supreme Court of the State, and a writ of error sued out to the Supreme Court of the United States was dismissed for want of jurisdiction.

Bacon & Graves vs. State, 2 Ct. Civ. App., 692.

Bacon vs. Texas, 163 U. S., 207.

From this statement it is clear that the title to the lands has been finally adjudged to be in the State. The claim of title originating with the company has been settled, because when the certificates were located the lands were within the reservation named and not subject to such location, and because Gibbs, against whom judgment was rendered, represented Olcott, who held the company claim as well as the other claimants. The claim of title originating with Bacon & Graves was expressly extinguished by the decree.

Having recovered the lands, the State should refund the money. It was deposited in the treasury as provided by law, one-half to the credit of general revenue and one-half to the permanent school fund, aggregating \$149,120, and the appropriation should be made from these funds in the same proportion. Olcott, however, notwithstanding this decision of the court, is claiming title to the odd sections under the original locations by the railway company and has instituted suits in the United States Circuit Court at El Paso to dispossess settlers holding under the State. As this claim is wholly unfounded, the act refunding the money should expressly provide that it should be paid upon condition that Olcott, for himself and others whom he may represent, should dismiss said suits and execute a release to the State and

those holding under the State for all claim to the land in controversy.

It is believed that the State is not legally bound to pay interest on this money. There is no express law authorizing the payment of interest, and there appears to be no implied obligation to do so. At least a part of the principal must be obtained by taxation, and where the State sues for taxes interest is not recoverable unless provided for by express law.

Western Union Tel. Co. v. State, 55 Texas, 314.

County warrants do not draw interest (Ashe v. Harris county, 55 Texas, 49), and it is well understood that State warrants do not. The general rule as to a State is thus announced by the Supreme Court of Mississippi: "As a general rule, the State is not bound to pay interest; and in cases of this kind, where the contract contemplates the action of the Legislature in order to pay the claim, it is to be presumed to have been made with reference to such action, and not to be a complete debt until the demand be made. Of course, interest could not be claimed until such application was made to the Legislature, because no default would have occurred until such demand."

State v. Mayes, 28 Miss., 709.

Whitney v. State, 52 Miss., 732.

Nor is there any equitable claim to interest in this case. The State did not demand or desire payment. It was once expressly declined, and the money was finally accepted under protest and with the distinct statement that the claim would be resisted. The tender was undoubtedly made for the purpose of obtaining some supposed legal advantage in the controversy and should not be construed to make the State an enforced borrower of money which it did not need and which the officials were prohibited by section 49, article 3, of the Constitution, from securing as a direct loan.

C. A. CULBERSON.

Executive Office, March 1, 1897.

The Chair gave notice of signing, and did sign in the presence of the Senate, after its caption had been read.

Senate bill No. 206, a bill to be entitled "An act to amend article 722, chapter 14, title 21, of the Revised Statutes of the State of Texas, as adopted by the Twenty-fourth Legislature of the State of Texas in the year 1895."

Senator Kerr moved to adjourn to 3 p. m.

Senator Turney moved to adjourn to 10 a. m. to-morrow.

The Senate refused to adjourn to 10 a. m. to-morrow by the following vote:

Yeas—7.

Burns.	Presler.
Lewis.	Stafford.
Morriss.	Turney.
Neal.	

Nays—15.

Atlee.	Ross.
Bailey.	Stone.
Beall.	Terrell.
Bowser.	Tillett.
Colquitt.	Wayland.
Darwin.	Yantis.
Greer.	Yett.
Kerr.	

Excused.

Boren.	Linn of Victoria.
Dibrell.	Linn of Wharton.
Goss.	Rogers.
Gough.	Woods.
Harrison.	

The Senate then adjourned to 3 p. m. by the following vote:

Yeas—17.

Atlee.	Morriss.
Bailey.	Ross.
Beall.	Stone.
Bowser.	Terrell.
Colquitt.	Tillett.
Darwin.	Wayland.
Dibrell.	Yantis.
Greer.	Yett.
Kerr.	

Nays—5.

Burns.	Stafford.
Lewis.	Turney.
Presler.	

Absent.

Neal.

Excused.

Boren.	Linn of Victoria.
Goss.	Linn of Wharton.
Gough.	Rogers.
Harrison.	Woods.

AFTERNOON SESSION.

The Senate met pursuant to adjournment.

President pro tem. Dibrell in the chair.

Roll called.

Quorum present, the following Senators answering to their names:

Atlee.	Dibrell.
Bailey.	Greer.
Beall.	Kerr.
Bowser.	Lewis.
Burns.	Morriss.
Colquitt.	Neal.
Darwin.	Presler.

Ross.
Stafford.
Stone.
Terrell.
Tillett.

Turney.
Wayland.
Yantis.
Yett.

Excused.

Boren. Linn of Victoria.
Goss. Linn of Wharton.
Gough. Rogers.
Harrison. Woods.

HOUSE MESSAGE.

The following House message was received:

Hall House of Representatives,
Austin, Texas, March 1, 1897.

Hon. George T. Jester, President of the Senate.

Sir: I am directed by the House to inform the Senate of the passage of Senate joint resolution No. 7, amending article 8 of the Constituion of Texas, adding thereto section 20, providing for the organization of irrigation districts and for the levying and collection of a tax for the construction of reservoirs, dams and canals,

With House amendment.

Respectfully,

LEE J. ROUNTREE, Chief Clerk.

On motion of Senator Turney, the Senate concurred in House amendment to Senate joint resolution No. 7.

Senator Colquitt withdrew his appeal from the ruling of the Chair on his point of order made to the amendment offered by Senator Beall to Senate bill No. 83 (see morning session.)

Action then recurred on the amendment offered by Senator Beall, to-wit:

Amend section 9 of the bill by inserting after the word "officials," in line 27, the following: "in excess of the maximum amounts herein allowed."

By Senator Greer:

Substitute for the amendment the following: Add after the words "county officials," occurring in Senator Wayland's amendment adopted February 27, 1897, the following words: "in excess of the maximum when in their judgment such compensation is necessary, provided such compensation for ex officio services shall not exceed the amounts now allowed under the law for similar services."

Senator Beall accepted the substitute.

Pending action,

On motion of Senator Lewis, the Senate adjourned to 10 a. m. to-morrow by the following vote:

Yeas—12.

Bailey. Burns.
Beall. Colquitt.

Darwin.
Dibrell.
Lewis.
Morris.

Neal.
Presler.
Stafford.
Turney.

Nays—11.

Atlee.
Bowser.
Greer.
Kerr.
Ross.
Stone.

Terrell.
Tillett.
Wayland.
Yantis.
Yett.

Excused.

Boren.
Goss.
Gough.
Harrison.

Linn of Victoria.
Linn of Wharton.
Rogers.
Woods.

THIRTY-SEVENTH DAY.

Senate Chamber,
Austin, Tex., Tuesday, March 2.

Senate met pursuant to adjournment.

Lieutenant Governor Jester in the chair.

Roll called. Quorum present, the following Senators answering to their names:

Atlee.
Bailey.
Beall.
Bowser.
Burns.
Colquitt.
Darwin.
Dibrell.
Greer.
Kerr.
Lewis.
Linn of Wharton.

Neal.
Presler.
Ross.
Stafford.
Stone.
Terrell.
Tillett.
Turney.
Wayland.
Yantis.
Yett.

Absent.

Boren. Harrison.
Goss. Morris.
Gough.

Excused.

Linn of Victoria. Woods.
Rogers.

Prayer by Rev. Dr. French of Austin.

Pending the reading of the Journal of yesterday,

On motion of Senator Wayland, the same was dispensed with by the following vote:

Yeas—17.

Bailey.
Beall.
Burns.
Colquitt.
Darwin.
Greer.

Kerr.
Linn of Wharton.
Neal.
Presler.
Ross.
Stone.